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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 **STEVEN DARBY MCDONALD,**

10 **Plaintiff,**

11 **v.**

12 **SARA KARIKO, et al.,**

13 **Defendant.**

14 **Case No. C19-1998-RSL-MAT**

15 **ORDER STRIKING MOTIONS FROM**
16 **MOTION CALENDAR**

17 This is a 42 U.S.C. § 1983 prisoner civil rights action. Currently pending before the Court
18 are defendants' motion for summary judgment (Dkt. 58, re-noted to March 5, 2021 to allow
19 plaintiff additional time to respond), plaintiff's motion for appointment of counsel (Dkt. 76, noted
20 for January 22, 2021), plaintiff's second motion for preliminary injunction¹ (Dkt. 78, noted for
21 January 22, 2021), plaintiff's motion to hold law librarian in contempt of court (Dkt. 93, noted for
22 February 12, 2021), plaintiff's "motion/request for some time to have his appendix section
23 returned" (Dkt. 94, noted for February 19, 2021), and plaintiff's "motion/request to comply with
counsel's demand to produce" (Dkt. 96, noted for February 19, 2021).

1 The Court notes that plaintiff filed a prior motion for preliminary injunction which was recently denied.
Dkt. 105. Plaintiff's second motion for preliminary injunction appears to raise similar issues and seek similar relief.
Dkt. 78.

On January 27, 2021, Chief Judge Ricardo S. Martinez issued an order affirming the undersigned's order denying plaintiff's request that the undersigned voluntarily recuse herself in this matter. Dkt. 90. On February 10, 2021, plaintiff filed a notice of appeal of the Chief Judge's January 27, 2021, order. Dkt. 102. That appeal is currently pending before the United States Court of Appeals for the Ninth Circuit and it would be inappropriate for this Court to take any further action with respect to this case until plaintiff's appeal has been resolved.

Accordingly, this Court hereby ORDERS as follows:

(1) Defendants' motion for summary judgment (Dkt. 58), plaintiff's motion for appointment of counsel (Dkt. 76), plaintiff's second motion for preliminary injunction (Dkt. 78), plaintiff's motion to hold law librarian in contempt of court (Dkt. 93), plaintiff's "motion/request for some time to have his appendix section returned" (Dkt. 94), and plaintiff's "motion/request to comply with counsel's demand to produce" (Dkt. 96) are STRICKEN from the Court's motion calendar. The Court will re-note the motions for consideration once it has been notified by the Ninth Circuit that plaintiff's appeal has been resolved.

(2) The Clerk is directed to send copies of this order to the parties and to the Honorable Robert S. Lasnik.

Dated this 23rd day of February, 2021.


Mary Alice Theiler
United States Magistrate Judge